P.R. No. 2480/06
Presented by Shri N.K.Sinha
dated 6/9/06

(5) 1

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
[CHHATTISGARH]

WRIT PETITION NO. 2418 /2006

PETITIONER : D.S.Dubey, S/o. Late Shri S.D.Dubey, aged about 55 years, working as Asstt.Grade III Public Works Department, Sub-divn. Koni, Bilaspur, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS
1. State of Chhattisgarh, Through Secretary, Public Works Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.).
2. Chief Engineer, Public Works Department, Bilaspur Range, Bilaspur (C.G.)
3. Supdt. Engineer, Public Works Department, Bilaspur Range, Bilaspur (C.G.)

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WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

(91)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 2418/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.5.2006

Shri Indrasen Sahu, Advocate for the petitioner.

Shri Ashutosh Kachwaha, Govt. Adv. for the State.

Heard.

By the instant petition the petitioner has questioned the validity and propriety of the order dated 19.4.2006 passed by respondent No.2-Chief Engineer, Public Works Department, Bilaspur thereby dismissing the appeal preferred by the petitioner against the order of respondent No.3- Superintending Engineer, PWD, Bilaspur in which a penalty of stoppage of one grade increment with cumulative effect was imposed upon the petitioner.

I have heard learned counsel for the petitioner on admission.

In the grounds of challenge of the order it has been mentioned that the order passed by the appellate authority is arbitrary, illegal, suffers from perversity and same has been passed without applying mind, without assigning any reason and also in violation of Rule 27 (2) of the C.G. Civil Services (Classification, Control & Appeal) Rules, 1966 (hereinafter referred to as 'the Act').

Learned counsel for the petitioner while arguing the matter was not able to point out how the order passed by the appellate authority is arbitrary, illegal or suffers from perversity. As far as the point raised that the same has been passed without application of mind and without

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

assigning any reason is concerned, perusal of the impugned order passed by respondent No.2-Chief Engineer shows that the appellate authority has considered the enquiry report and finding of respondent No.3-Superintending Engineer, same has been mentioned in the order impugned and it has also been mentioned that the petitioner has been punished on the ground that he indulged in direct correspondence with the higher authorities and even after passing the order by the Superintending Engineer in the enquiry, the petitioner was continuously writing letters to the higher authorities. It has further been mentioned in the order impugned that there is no improvement in the conduct of the petitioner, therefore, it cannot be said that the order impugned has been passed without assigning any reason or without application of mind.

As far as violation of Rule 27 (2) of Rules, 1966 is concerned, sub-rule (2) of Rule 27 envisaged that "(a) whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice; (b) whether the findings of the disciplinary authority are warranted by the evidence on the records; and (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe and then pass the orders, as given in sub-clauses (i) & (ii) of Clause (c).

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(43)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Nothing has been mentioned in this petition that the Superintending Engineer/Enquiry Officer did not follow the rules while conducting the enquiry or there was failure of justice on account of non-compliance of the principles of natural justice or the rules. No ground has been raised that there was no material before the Enquiry Officer to reach to the conclusion that the charge levelled against the petitioner was not substantiated based on the evidence available on record. Therefore, I am of the considered opinion that the petitioner has not been able to raise the point that the appellate authority has not followed the sub-rule (2) of Rule 27 of the Rules, 1966. For the foregoing reasons, I am of the considered opinion that the petitioner has not been able to raise any point before this Court for interference by this Court under Articles 226 & 227 of the Constitution of India. The petition being devoid of merit, liable to be dismissed and it is, accordingly, dismissed. Consequently, M.(W.)P. No.1629/06 also stands dismissed. Sd/- L.C. Bhadoo Judge	

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